



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Steve Tate, Mayor
Marilyn Librers, Mayor Pro Tempore
Larry Carr, Council Member
Marby Lee, Council Member
Greg Sellers, Council Member

REDEVELOPMENT AGENCY

Steve Tate, Chair
Marilyn Librers, Vice-Chair
Larry Carr, Agency Member
Marby Lee, Agency Member
Greg Sellers, Agency Member

WEDNESDAY, DECEMBER 16, 2009

AGENDA

JOINT REGULAR CITY COUNCIL AND REDEVELOPMENT AGENCY MEETING

7:00 P.M.

CALL TO ORDER

(Mayor/Chair Tate)

ROLL CALL ATTENDANCE

(Deputy City Clerk McVay)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(Deputy City Clerk McVay)

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS / RECOGNITIONS / INTRODUCTIONS

CITY COUNCIL REPORTS

Council Member Lee

CITY COUNCIL COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE ITEM IS ADDRESSED BY THE COUNCIL AND FOR THE REDEVELOPMENT AGENCY. PLEASE COMPLETE A SPEAKER CARD AND PRESENT IT TO THE COUNCIL SERVICES RECORDS COORDINATOR.

(See notice attached to the end of this agenda.)

PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE COUNCIL SERVICES RECORDS COORDINATOR WHO WILL FORWARD CORRESPONDENCE TO THE CITY COUNCIL/REDEVELOPMENT AGENCY.

City Council and Redevelopment Agency Action **ADOPTION OF AGENDA**

City Council Action **CONSENT CALENDAR:**

ITEMS 1-14 The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

	Time Estimate	1 - 10 Minutes	Page
1.	<u>Approval of Special City Council Meeting Minutes for November 18, 2009</u>		1
2.	<u>Approval of Special City Council Meeting Minutes for December 4, 2009</u>		3
3.	<u>Adopt Ordinance No. 1966, New Series, an Ordinance of the City Council of the City of Morgan Hill Amending Chapter 15.65 (Sustainable Building Regulations) of the Morgan Hill Municipal Code to Incorporate Revisions Made by the California Energy Commission</u>		5
	Recommended Action(s): <u>Waive</u> the Reading, <u>Adopt</u> Ordinance No. 1966, New Series, and <u>Declare</u> that said Title, which appears on the Agenda, shall be determined to have been read by Title and further reading waived.		
4.	<u>2009 OTS Sobriety Checkpoint Mini-Grant Award</u>		23
	Recommended Action(s): <u>Accept</u> Mini-Grant Award from the Office of Traffic Safety in the amount of \$13,131.03, <u>Allocate</u> \$4,377.01 for the 2009-10 Winter Holiday Checkpoint; \$4,377.01 for the 2010 Spring Checkpoint; and \$4,377.01 for the August/September 2010 Labor Day Checkpoint.		

5. **2009 OTS Click-It or Ticket Mini-Grant Award**..... 27
Recommended Action(s): Accept Mini-Grant Award from the Office of Traffic Safety in the amount of \$15,031.

6. **Supplemental Law Enforcement Services Fund**..... 31
Recommended Action(s): Approve the FY 2009/10 Spending Plan for the Supplemental Law Enforcement Services Fund (SLESF)

7. **Extension of Time, EOT-09-10: Condit-Wolff**..... 33
Recommended Action(s): Approve Extension of Time for San Jose Earthquakes Training Center for; a) Conditional Use Permit (UP-08-12), and b) Design Permit (SR-08-20).

8. **Authorize Additional Work for Community and Cultural Center (CCC) Exterior Door Replacement Project**..... 37
Recommended Action(s): Authorize expenditure of additional funds not to exceed \$8,270 and a \$5,000 change order contingency fund for the CCC Door Replacement Project.

9. **Friendly Inn Renovation Final Report** 39
Recommended Action(s):
 1. **Receive** report on current tenants; and
 2. **Adopt** a Resolution approving the Friendly Inn Permit Use Agreement and authorizing the City Manager to execute all Use Permit Agreements that relate to tenancy at the Friendly Inn.

10. **Status Report on Level 1 Water Supply Shortage Condition**..... 57
Recommended Action(s): Informational Only

11. **November 2009 Financial and Investment Reports**..... 63
Recommended Action(s): Accept and file report.

12. **Sewer Fee Deferral Programs**..... 95
Recommended Action(s):
 1. **Adopt** a Resolution to establish a City Interim Sewer Fee Deferral Program; and
 2. **Adopt** a Resolution modifying the City’s existing Impact Fee Deferral Program to authorize other impact fee funds to cover sewer deferrals.

13. **Agreement for Cooperative Solar Power Purchasing and Site Surveys**..... 105
Recommended Action(s):
 1. **Authorize** the City Manager to execute the agreement subject to the review and approval of the City Attorney; and
 2. **Authorize** the City Manager to procure solar site surveys for City facilities at a cost not to exceed \$30,000.

14. **AB 1600 Development Impact Fee Report for Fiscal Year 2008-09** 115
Recommended Action(s): Accept and file the AB 1600 Development Impact Fee Report for the 2008-09 fiscal year.

Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 15

	Time Estimate	1 - 10 Minutes	Page
15.	<u>November 2009 Financial and Investment Reports</u>		131
	<u>Recommended Action(s): Accept</u> and file report.		

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 16-21

	Time Estimate	1 - 10 Minutes	Page
16.	<u>Approval of Joint Regular City Council and Redevelopment Agency Meeting Minutes for November 18, 2009</u>		141
17.	<u>Approval of Joint Regular City Council and Redevelopment Agency Meeting Minutes for December 2, 2009</u>		155
18.	<u>Award Contract for Aquatics Center Landscape Conversion Project</u>		165
	<u>Recommended Action(s):</u>		
	1. <u>Award</u> construction contract and authorize the City Manager/Executive Director to execute a contract with Suarez & Munoz Construction for \$88,723; and		
	2. <u>Authorize</u> contingency funds of \$8,872; and		
	3. <u>Appropriate</u> an additional \$8,664 from the Redevelopment Agency un-appropriated fund balance (Fund 317).		
19.	<u>Third Street Promenade-December 2009 Progress Report</u>		167
	<u>Recommended Action(s):</u> Information Only		
20.	<u>Approve Second Amendment to Consultant Agreement for Final Design of West Dunne Avenue Improvement Project</u>		175
	<u>Recommended Action(s):</u> <u>Authorize</u> the City Manager/Executive Director to execute a Second Amendment to the Consultant Agreement with HMM Engineers for final design of the West Dunne Avenue Improvement Project not to exceed \$24,000.		
21.	<u>Annual Financial Reports for Fiscal Year 2008-09</u>		181
	<u>Recommended Action(s):</u> Information Only.		

City Council Action

PUBLIC HEARINGS:

ITEM 22

	Time Estimate		Page
22.	5 Minutes	<u>Resolution Authorizing City Participation in CaliforniaFIRST Program</u>	185
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. <u>Recommended Action(s): Adopt</u> Resolution authorizing City participation in CaliforniaFIRST Program.	

City Council Action

OTHER BUSINESS:

ITEMS 23-26

	Time Estimate		Page
23.	5 Minutes	<u>Resolution Authorizing Sacramento County to Apply for State Grant Funds on the City's Behalf</u>	209
		<u>Recommended Action(s): Adopt</u> Resolution authorizing Sacramento County to apply for funds on the City's behalf.	
24.	10 Minutes	<u>Aquatics Center Lane Rental Rates</u>	217
		<u>Recommended Action(s): Approve</u> the proposed Aquatics Center lane rental rates.	
25.	15 Minutes	<u>Tennis Court Rental Rates</u>	221
		<u>Recommended Action(s):</u> 1. <u>Maintain</u> tennis court rental rates as approved in January 2009; and 2. <u>Direct</u> staff to develop an equitable tennis court permit reservation with the Morgan Hill Tennis Club that takes into account court use, maintenance assistance, capitol fundraising, and community activities.	
26.	10 Minutes	<u>Resolution Authorizing Franchise and Service Agreements and Authorizing Charges for Administrative Costs Related to the Removal, Impound, Storage or Release of Vehicles</u>	227
		<u>Recommended Action(s):</u> 1. <u>Authorize</u> City Manager to execute Franchise and Service Agreements with California Tow and Salvage, Ponzini's Community Garage and All Day and Night Towing; and 2. <u>Authorize</u> charge for administrative costs relating to the removal, impound, storage or release of vehicles.	

FUTURE COUNCIL AGENCY-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

City Council Action

CLOSED SESSION:

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATOR:

Authority:	Pursuant to Government Code Section 54957.6
City Negotiators:	City Manager, City Attorney, Assistant to the City Manager
Employee Organization:	Morgan Hill Police Officers Association
	Employees Covered under Management Resolution #6250
	AFSCME Local 101
	Morgan Hill Community Service Officers Association

2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Authority:	Government Code Sections 54956.9(b)
Number of Potential Cases:	1

3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority:	Pursuant to Government Code 54956.9(a)
Case Name:	<u>Arcadia Development Company v. City of Morgan Hill</u>
Case Number:	Santa Clara County Superior Court Case No. 104-CV-020598
Attendees:	City Manager, City Attorney

RECONVENE

CLOSED SESSION ANNOUNCEMENT

ADJOURNMENT

NOTICE

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act that are distributed to a majority of the legislative body less than 72 hours prior to an open session, will be made available for public inspection at the Office of the City Clerk at Morgan Hill City Hall located at 17555 Peak Avenue, Morgan Hill, CA, 95037 at the same time that the public records are distributed or made available to the legislative body. (Pursuant to Government Code 54957.5)

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON AGENDA

Following the opening of Council/Agency business, the public may present comments on items *NOT* appearing on the agenda that are within the Council's/Agency's jurisdiction. Should your comments require Council/Agency action, your request will be placed on the next appropriate agenda. No Council/Agency discussion or action may be taken until your item appears on a future agenda. You may contact the Council Services Records Coordinator for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA

The Morgan Hill City Council/Redevelopment Agency welcomes comments from all individuals on any agenda item being considered by the City Council/Redevelopment Agency. Please complete a Speaker Card and present it to the Council Services Records Coordinator. This will assist the Council/Agency Members in hearing your comments at the appropriate time. Speaker cards are available on the table in the foyer of the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council/Agency. However, it is very helpful to the Council/Agency if speaker cards are submitted. As your name is called by the Mayor/Chair, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council/Agency are limited to three minutes. We appreciate your cooperation.

NOTICE

AMERICANS WITH DISABILITIES ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City. If you need special assistance to access the meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Council Services Records Coordinator at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation. Please make your request at least 48 hours prior to the meeting to enable staff to implement reasonable arrangements to assure accessibility to the meeting.

If assistance is needed regarding any item appearing on the City Council/Agency agenda, please contact the Council Services Records Coordinator at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council/Agency, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.